

Notice of Allowability

Application No.

10/759,328

Examiner

Maria B. Marvich, PhD

Applicant(s)

SEBTI, SAID M.

Art Unit

1633

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to an amendment filed 12/12/05 and 1/18/06.
2. ☒ The allowed claim(s) is/are 1-4, 7, 9, 14 and 17-25.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date see other
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☒ Other IDS- 12/12/05, 1/3/06, 1/20/06.

ALLOWANCE

This office action is in response to an amendment filed 12/12/05 and 1/18/06. Claims 5, 6, 8, 10-12, 15 and 16 have been cancelled. Claim 17 has been amended. Claims 23-25 have been added. Claims 1-4, 7, 9, 13, 14 and 17-25 are pending in this application.

Information Disclosure Statement

Information Disclosure Statement's filed 12/12/05, 1/3/06 and 1/20/06 have been identified and the documents considered. Document R10 in the IDS filed 12/12/05 has been considered but has been crossed off of the 1449 as an Office action is not a published document and therefore will not appear on the face of the file. The signed and initialed PTO Form 1449s have been mailed with this action.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Glenn Ladwig on April 3, 2006.

The application has been amended as follows:

IN THE CLAIMS:

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Claim 1 (amended): A method for inhibiting the growth of a tumor cells in a mammal wherein the tumor cells are transformed by at least one oncogene selected from the group consisting of H-Ras, N-Ras, K-Ras, EGFR, and ErbB2, comprising directly administering an effective amount of a nucleic acid sequence encoding a wild-type RhoB protein to the tumor cells ~~associated with the tumor~~, wherein the nucleic acid sequence is expressed in the tumor cells ~~and the RhoB protein inhibits at least on activity of the tumor cells selected from the group consisting of migration, invasion, and metastasis.~~

In claim 2, line 2, the word -- tumor -- has been inserted following the phrase “anti-cancer agent to the”.

In claim 4, line 2, the word -- tumor -- has been inserted following the phrase “RhoB protein sensitizes the”.

In claim 9, line 1, the word -- tumor-- has been inserted following the phrase “wherein the”.

Claim 13 (cancelled).

In claim 14, line 1, the word -- tumor-- has been inserted following the phrase “wherein the”.

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Claim 17 (amended): The method of claim 1, wherein the tumor cells are ~~cancer~~ cells of a type selected from the group consisting of pancreatic cancer, prostate cancer, breast cancer, colon cancer, rectal cancer, lung cancer, head and neck cancer, and melanoma cancer.

In claim 18, line 1, the phrase "tumor" has been deleted following the phrase "into the cell" and the phrase -- within a viral vector-- has been inserted prior to the phrase "into the cells".

Claim 22, line 2, the word -- tumor-- has been inserted following the phrase "adenovirus and the".

Claim 23, line 1, the word -- tumor -- has been inserted following the phrase "wherein the".

Claim 23, line 1, the word -- tumor -- has been inserted following the phrase "wherein the".

Claim 23, line 1, the word -- tumor -- has been inserted following the phrase "wherein the".

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maria B. Marvich, PhD whose telephone number is (571)-272-0774. The examiner can normally be reached on M-F (6:30-3:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Nguyen, PhD can be reached on (571)-272-0731. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**DAVE TRONG NGUYEN
SUPERVISORY PATENT EXAMINER**

Maria B Marvich, PhD
Examiner
Art Unit 1633

April 3, 2006